REMARKS[1]

In the outstanding Office Action, the Examiner made the following rejections:

1) claims 1-5, and 7-10 under 35 U.S.C. §101;

2) claims 1, 4, 5, and 7-10 under 35 U.S.C. § 103(a) as being unpatentable over

U.S. Patent No. 6,961,854 to Floryanzia (Floryanzia) in view of U.S. Patent

No. 6,353,891 to Borella et al. (Borella) and further in view of

INTERNATIONAL TELECOMMUNICATION, Series J: Cable Network and

Transmission of Television, Sound Programme and Other Multimedia

Signals—IPCablecom Trunkinq Gateway Control Protocol (TGCP), February

2002, J.171 (ITU); and

3) claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over

Floryanzia, Borella, and ITU, and further in view of U.S. Patent Application

Publication No. US 2002/0120760 to Kimchi (Kimchi).

No claims are amended herein. Claims 1-5 and 7-10 remain pending in this

application.

I.   Interview of November 4, 2009

Applicant appreciates the courtesy extended to Applicant's representative during

the telephone interview conducted on November 4, 2009. During the interview,

Applicant's representative first provided reasoning demonstrating that at least one of the

claimed Media Gateway (MG) or Media Gateway Controller (MGC) is a device, and

therefore is sufficiently tied to a machine to satisfy the machine-or-transformation test

---

[1] As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

set forth in *In re Bilski*. Although the Examiner conceded that she understood Applicant's reasoning, she noted that the MG or MGC could also be configured in software, and thus requested that Applicant provide evidence, preferably from the specification, demonstrating that the MG or MGC is a device, and not software.

Second, Applicant's representative requested clarification regarding the ITU reference applied in the rejection. In particular, Applicant noted that the Examiner had generally cited to section 3.2 of ITU as allegedly disclosing the claimed configuring step, but did not provide any indication of specifically what portion of section 3.2 the Examiner was characterizing as corresponding to the claimed configuring step. In response, the Examiner noted that pages 42-43 of the ITU reference listed common parameters which may be used in performing calculations to determine such quantities as transmission time and transit time, as discussed at, for example, pages 22-28 of ITU.

Although no agreement was reached, Applicant appreciates the Examiner's cooperation during the interview.

II.   Rejection Under 35 U.S.C. § 101

Claims 1-5, 7-8 and 9-10 were rejected under 35 U.S.C. 101 as allegedly not falling within one of the four statutory categories of invention. In particular, the Examiner alleges that claims 1-5 and 7-10 do not satisfy the machine-or-transformation test set forth in *In re Bilski*. This is not correct.

Applicant respectfully submits that claim 1 recites, for example, "performing an encryption calculation according to the security authentication parameter and the authentication key and reporting a calculation result to the MGC, by the MG," (emphasis added) indicating obviously that the claim 1 at least ties to a particular machine---a MG (Media Gateway) in a NGN network. Applicant respectfully submits that the claimed

-3-

MG is described throughout the specification as corresponding to a machine, and not just software. For example, page 1, lines 9-13, states: "[i]n the Next Generation Network (NGN), there are many Media Gateways (MGs) based on Media Gateway Control Protocol (MGCP) or H248 protocol (another Media Gateway Control Protocol, i.e., MeGaCo); these numerous MGs are distributed in enterprises or residences widely, and are featured with covering a wide range, having a great quantity, and being based on dynamic IPs" (emphasis added). Applicant submits that the MGs must be devices because they are described as being "numerous" and being distributed in residences and enterprises, and it would not make sense to distribute software in residences and enterprises. Accordingly, claim 1 is sufficiently tied to a machine, at least the claimed "MG", such that claim 1 satisfies the machine-or-transformation test.

Moreover, Applicant respectfully submits that the claimed "MGC" is also a device, and that the MGCP is totally different from MGC. The "Media Gateway Controller," is a network device communicating with one or more MGs (Media Gateway) in the NGN network. MGCP (Media Gateway Control Protocol), on the other hand, is an optional protocol adopted between the MGC and the MGs, and H248 protocol is another optional similar as MGCP. As described at, for example, page 3 lines 19-29, and page 5 lines 27-29 of Applicant's specification, the MGC may perform encryption calculation, determination based on the encryption calculation result, and sending a message such as an authentication request to the MG. All of these performed functions clearly indicate that the MGC must be a device and not software or a protocol.

In further support of its position, Applicant respectfully submits a declaration under 37 CFR § 1.132 demonstrating that the claimed MGC is a network device in the

NGN network. Accordingly, for at least this reason also, claim 1 is also sufficiently tied to a device, and therefore satisfies the machine-or-transformation test.

Consequently, claims 1-5 and 7-8 satisfy the requirements of 35 U.S.C. § 101. Moreover, claim 9, although of different scope, also recites the claimed MG and MGC, and therefore satisfies the machine-or-transformation test for at least the same reasons as presented above with respect to claim 1. Applicant therefore respectfully requests that the Examiner withdraw the rejection of claims 1-5 and 7-10 under 35 U.S.C. § 101.

III.   Rejection Under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejections of claims 1-5 and 7-10 under 35 U.S.C. § 103(a). No *prima facie* case of obviousness is established.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. MPEP § 2142, 8th Ed., Rev. 7 (July 2008).

"[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." MPEP § 2141(II). In performing the analysis, "[o]ffice personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." MPEP § 2141(III).

In this application, a *prima facie* case of obviousness has not been established because the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the

-5-

prior art. Accordingly, the burden thus remains with the Examiner, as the Office Action has failed to clearly articulate a reason why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art.

A.   Claims 1, 4, 5 and 7-10

Claim 1 recites a combination including "configuring a Media Gateway (MG) with an authentication key and setting a security data package on a network protocol, by a Media Gateway Controller (MGC)." That is, claim 1 requires configuring an authentication key and setting a security data package, on a MG. At page 6 of the Office Action, the Examiner acknowledges that Floryanzia and Borella fail to disclose this element. Indeed, these references do not provide any teaching or suggestion of this element.

In an attempt to cure the deficiencies of Floryanzia and Borella, the Examiner cites to Section A.3 of ITU as allegedly disclosing the claimed "configuring..." recited in claim 1. However, Section A.3 of ITU is directed to implementation of MGCP commands and lists of detail parameters in a MGCP message/command (see page 40 of ITU). In other words, Section A.3 of ITU describes the structure of a MGCP command and the meaning of parameters in a MGCP command. There is no disclosure of "configuring a Media Gateway (MG) with an authentication key and setting a security data package on a network protocol, by a Media Gateway Controller (MGC)," as recited in claim 1. Even Section A.3.2.2.4, which is about authentication (see page 57 lines 18-23 of ITU), merely discloses capabilities informing the MGC about its capabilities when audited; the semicolon-separated list of RTP Authentication Algorithms following the keyword "sc-rtp" is a parameter used to identify one of the capabilities. Therefore,

ITU also fails to disclose "configuring a Media Gateway (MG) with an authentication key and setting a security data package on a network protocol, by a Media Gateway Controller (MGC)," as recited in claim 1.

Moreover, regarding the Examiner's assertion that the parameters listed on pages 42-44 are used in configuration, Applicant respectfully disagrees. The parameters listed on pages 42-44 are merely parameters that may be used in protocol commands. These parameters do not provide any disclosure or suggestion of "configuring a Media Gateway (MG) with an authentication key and setting a security data package on a network protocol, by a Media Gateway Controller (MGC)," as recited in claim 1.

Accordingly, applicant respectfully submits that ITU does not teach or suggest "configuring a Media Gateway (MG) with an authentication key and setting a security data package on a network protocol, by a Media Gateway Controller (MGC)," as recited in claim 1.

As explained above, the elements recited in claim 1 are neither taught nor suggested by the applied references. Nor has the Examiner explained how teachings of the references could have been modified to achieve the claimed combination. Consequently, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in the art in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for claim 1.

For at least the above reasons, claim 1 should be allowable. Moreover, claims 4 and 5 should be allowable at least due to their dependence from claim 1. Claims 7 and 9, although of different scope, recite elements similar to those recited in claim 1, and should be allowable for at least the same reasons as claim 1. Furthermore, claim 8 should be allowable at least due to its dependence from claim 7, and claim 10 should be allowable at least due to its dependence from claim 9. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 4, 5, and 7-10 under 35 U.S.C. § 103(a).

B.   Claims 2 and 3

Claims 2 and 3 depend from claim 1, and thus require all of the elements recited in claim 1. As discussed above, none of Floryanzia, Borella and ITU disclose a combination including "configuring a Media Gateway (MG) with an authentication key and setting a security data package on a network protocol, by a Media Gateway Controller (MGC)," as recited in claim 1, and required by claims 2 and 3. Kimchi fails to cure the deficiencies of Floryanzia, Borella, and ITU.

Kimchi discloses a transactional protocol enabling messaging, call functions, personalized communication policies, presence, and address book capabilities. However, Kimchi provides no disclosure or suggestion of a combination including "configuring a Media Gateway (MG) with an authentication key and setting a security data package on a network protocol, by a Media Gateway Controller (MGC)," as recited in claim 1, and required by claims 2 and 3, and thus fails to cure the deficiencies of Floryanzia, Borella, and ITU.

-8-

Accordingly, claims 2 and 3 should be allowable at least due to their dependence from claim 1. Applicant therefore respectfully requests that the Examiner withdraw the rejection of claims 2 and 3 under 35 U.S.C. § 103(a).
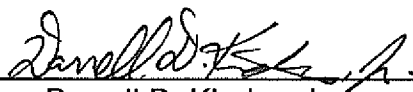
IV. **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

<div align="right">
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
</div>

Dated: November 9, 2009   By: _____

<div align="right">
Darrell D. Kinder, Jr.
Reg. No. 57,460
(650)849-6600
</div>

Attachments: **Declaration under 37 C.F.R. § 1.132 of Weiwei Yang**